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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|-------------------------------|------------------|
| 10/685,310 | 10/14/2003 | Chauncey F. Ross | 03273-PA-DIV | 5040 |
| 7590 01/13/2005 ARMSTRONG, KRATZ, QUINTOS, HANSON & BROOKS, LLP Intellectual Property Law Offices 502 Washington Avenue, Suite 220 Towson, MD 21204 | | | EXAMINER KENNEDY, SHARON E | |
| | | | ART UNIT 3762 | PAPER NUMBER |
| DATE MAILED: 01/13/2005 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/685,310

Applicant(s)

ROSS ET AL.

Examiner

Sharon Kennedy

Art Unit

3762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10312003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action or the MPEP.

Information Disclosure Statement

The prior art considered in the parent application has been considered herein. If applicant wants a listing of that prior art to appear on the face of any patent issuing from this application, applicant should submit a PTO Form-1449 with a listing thereof.

Copies of the prior art are not necessary.

Specification

The disclosure is objected to because of the following informalities: It needs to be update to include a "Reference to Related Applications" section, to include reference to the parent patent. Appropriate correction is required.

Claim Rejections - 35 USC § 102

Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Swenson et al., US 6,726,649. Swenson discloses all the claimed embodiments. Claim 8 is not anticipated because it would not be obvious to put a syringe on this needle. It does not appear that the Swenson needle has a central lumen, nor would it be obvious to add one.

Claims 1-4, 8 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Feaster, US 5,254,106. See especially figure 3. Note that 53A, 53B are termed "sharp tip members" even though they don't look that sharp in the drawings. Regarding claim 8, note reference to a syringe in column 4, line 27.

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Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

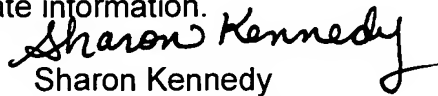
To overcome the Feaster '106 reference, applicant could recite that there is a circumference of the outside needle wall and state that the points are located less than 90 degrees apart along the circumference, or substantially less than 180 degrees along the circumference. Support needs to be added to the specification. The examiner would not consider this to be new matter since these features are clearly shown in the drawings. This would also avoid any problems with the Vaslow '641 reference or the Ayres '932 reference. Gordon '411 does not show the bevel, as already pointed out in the specification with reference to figures 5a, 5b.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharon Kennedy whose telephone number is 571/272-4948. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Angela Sykes can be reached on 571/272-4955.

Information regarding the status of an application may be obtained by going to www.uspto.gov, clicking on "Status &IFW", entering the application number, and then clicking on one of the tabs to retrieve the appropriate information.


Sharon Kennedy
Primary Examiner
Art Unit 3762

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